



A handwritten signature in black ink, appearing to read "Timothy W. Dore".

Timothy W. Dore
U.S. Bankruptcy Court
(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

**THOMAS KILLION AND NICOLE
NELSON**

Debtor(s).

No. 13-10561-TWD

**AGREED ORDER APPROVING
DEBTORS' BUY OUT OF EQUITY
IN RESIDENCE OR,
ALTERNATIVELY APPROVING
THE SALE OF REAL ESTATE FREE
AND CLEAR OF LIENS AND
ENCUMBRANCES , AUTHORIZING
DISBURSEMENT TO FIRST LIEN
HOLDER, PAYMENT OF CLOSING
COSTS AND REAL ESTATE
COMMISSION AND DISTRIBUTION
OF EXEMPTION TO DEBTORS IF
THE SALE CLOSES**

THIS MATTER came on before this Court on the Trustee's Motion to Approve a Sale of real property Free and Clear of Liens, Claims and Encumbrances, and the Court having reviewed

**AGREED ORDER APPROVING SALE OF REAL PROPERTY
FREE AND CLEAR OF LIENS**

Michael B. McCarty, Trustee
400 Warren Ave., Suite 411
Bremerton, WA 98337
(360) 377-2516

1 the Motion and Notice, ~~and hearing argument from the attorneys whose appearances are noted in~~
2 ~~the record of the hearing~~, and having continued the hearing for a week for the debtors and the
3 purchasers to bid on the property and being advised that the buyers increased their bid to \$325,000
4 and that the debtors increased their net bid to \$114,000 and that the trustee has agreed to accept
5 the debtors offer, provided it close within thirty days of the date of entry of this Order and provided
6 that if the transaction with the debtors does not close within 30 days from the date of entry of this
7 Order then the sale to the James D. Hingtgen and Mary Ellen Finley will be approved and may close
8 and being otherwise duly advised of the premises of this matter and good cause appearing, NOW,
9
10 THEREFORE, it is hereby ORDERED as follows:

11
12 1. The sale of the property commonly known as 1638 27th Ave. NE Shoreline, WA
13 98155 and legally described as

14 LOT 19, BLOCK 2, LAKE CITY HOMES NUMBER 3, ACCORDING TO THE PLAT
15 THEREOF RECORDED IN VOLUME 44 OF PLATS, PAGE(S) 57, RECORDS OF
16 KING COUNTY, WASHINGTON.

17 TAX PARCEL NO. 399690-0220-05

18 to James D. Hingtgen and Mary Ellen Finley, a married couple, for the sum of \$325,000.00 is
19 HEREBY APPROVED subject to the following conditions.

20 3. The debtors are given thirty days from the date of entry of this Order to close a
21 refinance/reverse mortgage of the property on the following terms and conditions:

22
23 a. The bankruptcy estate will receive \$114,000.00 comprised of the net
24 proceeds of sale from a refinance/reverse mortgage plus other amounts from other sources that the
25 debtors will pay directly to the trustee so that the total amount to be received by the estate is
26 \$114,000.00.

27
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1 b. The refinance or reverse mortgage by the debtors shall close through escrow
2 and the first mortgage will be paid in full at closing of the refinance or reverse mortgage.

3 c. Escrow will be handled by the Law Offices of Wanda Nuxoll.

4 d. The trustee will be required to sign off on the closing statement.

5 e. Once this transaction is closed the Trustee shall present an Order
6
7 abandoning the estate's interest in the property.

8 f. As part of this transaction Nicole Nelson may quit claim her interest in the
9 subject property to Thomas Killion.

10 4. If the foregoing transaction between the estate and the debtors does not close within
11
12 30 days from the date of entry of this Order then the sale to to James D. Hingtgen and Mary Ellen
13 Finley, a married couple, for the sum of \$325,000.00 may close.

14 5. The sale will be **FREE and CLEAR** of all liens claims and encumbrances with
15 any liens unpaid at closing to attach to the proceeds of sale to the extent there are proceeds to
16 which they may attach.

17
18 6. The first beneficiary of the first and only deed of trust on this property held by JP
19 Morgan Chase Bank N.A. will be paid in full upon closing.

20 7. If the debtors do not timely close the refinance/reverse mortgage, and the sale to
21 the Buyers is closed, the Trustee is authorized to pay a real estate commission of 6% to Jim Myers
22 and Re Max Realty (to be split as is customary in the industry), real estate taxes, real estate excise
23 tax and other closing costs typically paid by a seller of residential real estate.
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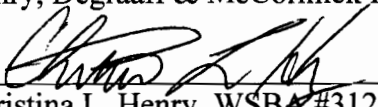
1 8. If the debtors do not timely close the refinance/reverse mortgage and if the sale to
2 the buyers closes the Trustee is authorized to disburse \$125,000.00 to the debtors at closing in
3 payment of their homestead exemption.

4 9. The purchasers are good faith purchasers for value and this is an arms' length
5 transaction.

6 10. The sale is free and clear of all liens, claims and encumbrances of record.
7

8
9 ///END OF ORDER///

10 Presented by:
11 Law Offices of Michael B. McCarty
12 /s/ Michael B. McCarty
13 Michael B. McCarty, WSBA# 13162 Trustee

14 AGREED TO FOR ENTRY:
15 Henry, Degraaff & McCormick P.S.
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17 Christina L. Henry, WSBA #31273
18 Attorney for Debtors
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